

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: OCTOBER 4, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-14757 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MASSAGE ENVY - OWNER: WITCH KYLE, LLC - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER FROM THE 400 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING SCHOOL, A WAIVER FROM THE 1,000 FOOT DISTANCE SEPARATION FROM AN EXISTING MASSAGE ESTABLISHMENT AND A WAIVER FROM THE HOURS OF OPERATION RESTRICTION at 7175 West Lake Mead Boulevard (APN 138-22-701-007), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown). NOTE: As of August 6, 2006 this item is located in Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter

Motion made by LOIS TARKANIAN to Approve subject to conditions and adding the following as read for the record:

A. A one-year review at a public hearing before the City Council shall be required.

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN, STEVE WOLFSON)

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NOTE: Upon the advice of counsel, COUNCILWOMAN TARKANIAN disclosed that she paid for and received a massage at this business.

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

STEVE COOK appeared on behalf of the applicant.

COUNCILWOMAN TARKANIAN was not comfortable with the number of requested waivers, but after she and her staff visited the facility and had a massage, she found the facility to be wonderful and unique. A high wall separates the business area from residential.

MARGO WHEELER, Director of Planning and Development Department, discussed with COUNCILWOMAN TARKANIAN limiting the hours of operation to 9:00 p.m. However, MR. COOK asked if it would be possible to have a trial period with the 10:00 p.m. closing time for three or six months and then bring it back if any problems arise. MS. WHEELER recommended that the Council could approve the 10:00 p.m. closing time and add a six-month or one-year review condition. Approving the 9:00 p.m. closing time would require a review of conditions and a public hearing to get the waiver back. COUNCILWOMAN TARKANIAN opted to approve the 10:00 p.m. closing time. Therefore, MS. WHEELER indicated that the condition would remain as written and added a condition requiring a one-year review at a public hearing before the City Council.

MAYOR PRO TEM REESE declared the Public Hearing closed.

